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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philip Stephen Smith, et al. Examiner: Mosser, Robert E.
Serial No. 10/764,995 Group Art Unit: 3714
Filed: January 26, 2004 Docket No. PA0959.ap.US
Title: AUTOMATED MULTIPLAYER GAME TABLE WITH UNIQUE IMAGE
FEED OF DEALER

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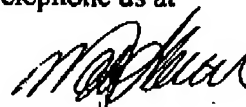
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By: 
Atty: Mark A. Litman
Reg. No. 26,390

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Mark A. Litman

4 August 2008
Date

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(952)832.9191.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following documents are hereby submitted:

- ☒ Petition After Final Office Action, before Issuance of a Patent Under 37 C.F.R. §1.182 to remove Terminal Disclaimer (4 pages)
- ☒ Transmittal Sheet
- ☒ Facsimile Cover Sheet

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

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Edina, MN 55435 (952-832-9090)

By: 
Atty. Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, addressed to: Mail Stop PETITIONS, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 4 August 2008

Mark A. Litman
Name


Signature

S/N 10/764,995**RECEIVED
CENTRAL FAX CENTER****PATENT****AUG 04 2008****EXPEDITED HANDLING - PETITION UNDER 37 C.F.R.****1.182****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Philip Stephen Smith, et al.	Examiner:	R.E. Mosser
Serial No.	10/764,995	Group Art Unit:	3714
Filed:	January 26, 2004	Docket No.	PA0959.ap.US
Title:	AUTOMATED MULTIPLAYER GAME TABLE WITH UNIQUE IMAGE FEED OF DEALER		

**PETITION AFTER TO FINAL OFFICE, BEFORE ISSUANCE OF A PATENT
UNDER 37 C.F.R. §1.182 TO REMOVE TERMINAL DISCLAIMER****MAIL STOP: PETITION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being filed in response to the previous and unnecessary filing of a Terminal Disclaimer by applicants. This response therefore including no needed Petition for Extension of time, but any fees for the Petition shall be herein authorized.

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1391.

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being sent by facsimile to the US Patent and Trademark Office addressed to: Mail Stop: PETITION, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 4 August 2008.

Mark A. Litman
Name


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AUG 04 2008

STATUS OF THE APPLICATION AND SUMMARY OF THE OFFICE**ACTION**

1. Claims 1-17 have been **provisionally** rejected under the Non-Statutory Ground of Obviousness-Type Double Patenting over at least claim 75 of copending U.S. Application 10/910,713. A Terminal Disclaimer was filed with respect to that Pending Application is awaiting review and analysis by the PTO.
2. A Notice of Appeal has been filed with regard to the Final Rejection of all claims in this Application.
3. Applicants hereby Petition to withdraw the Terminal Disclaimer, which has been filed but as yet not granted.

**REASON FOR PETITION – OBVIOUSNESS-TYPE DOUBLE
PATENTING WILL BE OVERCOME BY CLAIM CANCELATION IN
COPENDING APPLICATION**

Applicants have decided, as a strategic matter, to cancel claim 75, and all claims dependent therefrom, in the copending application, U.S. Application 10/910,713.

That action will remove the provisional rejection and obviates the need for the Terminal Disclaimer.

CONCLUSION

The Petition should be granted, even though the Terminal Disclaimer has not been granted.

All rejections have been shown to be overcome by the previously submitted Terminal Disclaimer or by previous Amendment. All rejections should be withdrawn, all claims should be allowed and the Application passed to Issue. If the Examiner believes that some issues may be further overcome by an interview with the Attorney of Record (either by telephone or in person), the Examiner is respectfully requested to call the attorney of record at 952.832.9090 (CST) at his convenience.

Respectfully submitted,

PHILIP S. SMITH, et al.

By Their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.

York Business Center, Suite 205

3209 West 76th Street

Edina, Minnesota 55435

(952) 832-9090

Date: 4 August 2008

By: 

Mark A. Litman

Reg. No. 26,390

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